

### **REMARKS**

Claims 1 – 19 were pending in this application.

Claims 1- 19 were rejected.

Claims 1, 7, 8, 9, 10, 11, 13, 14, 15 and 17 were amended.

### **I. 35 USC 102(b) Rejections**

**Claim 1, 2, 6 and 9-15 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,012691 to Leeuwen.**

The rejected claims include three independent claims, which are Claim 1, Claim 10 and Claim 17. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### **Claim 1**

Claim 1 sets forth a mounting system for mounting an object to the railing of a deck. (See preamble of Claim 1). The mounting system includes a base structure having a top side and a bottom side. Two opposing elements are provided. The opposing elements include a first element and a second element. The opposing elements are positioned so that they extend from the bottom side of the base structure. The first element has a first plurality of stepped surfaces at different distances from the bottom surface of the base structure. Similarly, the second element has a second plurality of stepped surfaces at distances from the bottom surface that are equal to those of the plurality of stepped surfaces. Accordingly, the first plurality of stepped surfaces and the second plurality of stepped surfaces extend in opposition toward each other across a gap.

An adjustment mechanism is provided for selectively adjusting the gap between the first

plurality of stepped surfaces and the second plurality of stepped surfaces.

**The Leeuwen patent** (U.S. Patent No. 6,012,691) shows a hanger system for suspending objects, such as pipes, from metal I-beams. The applicant does not believe the Leeuwen patent to be analogous art. It is highly doubtful that a person seeking to mount a post to the railing of a deck would have motivation to reference hanging brackets for metal I-beams.

However, regardless to the whether or not the Leeuwen patent is analogous, the Leeuwen patent does not disclose the structure specifically claimed in Claim 1.

The Leeuwen patent discloses brackets with vertical legs (50) that are notched so that spring clips (39, 40) can lock into positions along the length of the vertical legs (50). The vertical legs, however, are straight. The notches are therefore vertically aligned along the length of the vertical legs (50).

The Leeuwen patent does not teach or suggest a structure having a first element that embodies bends to form a first plurality of stepped surfaces that are vertically offset and are at different vertical distances. Since this matter is claimed in Claim 1 and is not disclosed or suggested in the Leeuwen reference, it is clear that the Leeuwen patent does not anticipate the matter of Claim 1 or its dependent claims.

It is therefore believed that the matter of Claim 1 is distinguishable over the Leeuwen patent. The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

#### Claim 10

Claim 10 sets forth a mounting device for engaging a wooden rail. The device has a flat structure. Two opposing elements extend from the flat structure. Each of the opposing elements defines a plurality of opposing sets of stepped surfaces that are vertically offset and extend toward each other, wherein each of the opposing sets of stepped surfaces are generally parallel to the flat structure and are at different distances from the flat structure.

As has been previously mentioned, the Leeuwen patent does not disclose opposing element on amounting device that define a plurality of opposing sets of stepped surfaces that are vertically offset and extend toward each other.

It is therefore believed that the matter of Claim 10 is distinguishable over the Leeuwen patent. The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 10 and its dependent claims.

#### Claim 17

Claim 17 sets forth a universal mounting device for mounting to a  $\frac{3}{4}$  inch plank, a one inch plank or a one and a half inch plank. The universal mounting device has a flat structure. Two opposing elements extend from the flat structure. Each of the opposing elements define a plurality of opposing sets of stepped surfaces that are vertically offset and are generally parallel to the flat structure. An initial set of stepped surfaces is positioned approximately three quarters of an inch below the flat structure. A second set of stepped surfaces is located approximately one inch below the flat surface and a third set of stepped surfaces is positioned approximately one and a half inches below the flat surface.

The Leeuwen patent does not show a mounting device with opposing elements that have vertically offset stepped surfaces. Nor does the Leeuwen patent show an initial stepped surface at the positioned claimed.

It is therefore believed that the matter of Claim 17 is distinguishable over the Leeuwen patent. The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 17 and its dependent claims.

**Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Leeuwen in further view of U.S. Patent No. 709816 to Collins.**

Claim 6 depends from Claim 1. The matter of Claim 1 is distinguishable over the Leeuwen patent for the reasons previously presented.

The Collins patent shows an adjustable U-bolt. The Collins patent makes no disclosure concerning a mounting device with vertically offset stepped surfaces. Accordingly, the Collins patent does not address the deficiencies of the Leeuwen patent as applied to Claim 1.

It is therefore believed that the matter of Claim 6 is distinguishable over the combined Leeuwen and Collins patents since Claim 1 depends from an allowable base claim. The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 6 and its dependent claims.

**Claims 7-9, 13-15 and 17-19 are rejected under 25 USC 103(a) as being unpatentable in view of Leeuwen.**

Claims 7-9 depend from Claim 1. Claims 13-15 depend from Claim 10. Claims 17-19

depend from Claim 17.

The matter of Claim 1, Claim 10 and Claim 17 has been distinguished over the Leeuwen patent for the reasons previously presented. The matter of these claims is therefore believed to be allowable since they depend from, and further define, allowable base claims.

### **III. DRAWINGS**

The Official Draftsman's objections to the drawings have been noted. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

### **IV. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



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